

REMARKS

In the present Amendment, Claims 1-4, 7-11 and 13 have been canceled without prejudice or disclaimer; Claim 12 has been amended to be in independent form; and Claims 14 and 20 have been amended for purposes of clarification. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, Claims 5, 6, 12 and 14-26 will be pending.

(a) As an initial matter, Applicants thank the Examiner for indicating that Claims 5, 6, 18 and 19 are allowed.

Applicants also thank the Examiner for indicating on page 4 of the Office Action that Claim 12 would be allowable if amended to overcome the Section 112 rejection (discussed below) and to include all of the limitations of the base claim and any intervening claims.

Applicants also thank the Examiner for indicating that Claims 14-17 and 20-26 would be allowable if amended to overcome the Section 112 rejection (discussed below) and to include all of the limitations of the base claim and any intervening claims.

Applicants submit that the above-described amendments to the claims place the present application in condition for allowance.

(b) Referring to the first paragraph on page 2 of the Office Action, Claims 1-4, 7-17 and 20-26 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

The Examiner criticizes the phrase “characterized by dispersing” found in Claims 1 and 14. The Examiner also states that the claims do not recite which battery component includes the alkaline earth oxides.

Applicants respectfully submit that the amendment to Claim 14 addresses the Examiner's Section 112 concerns. Further, Claim 1 has been canceled herein.

Accordingly, reconsideration and withdrawal of the Section 112 rejection of Claims 1-4, 7-17 and 20-26 are respectfully requested.

(c) Referring to page 2 of the Office Action, Claims 1, 2 and 7 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Eda et al. (U.S. Patent No. 4,336,315 or JP 63-24301.

Referring to page 3 of the Office Action, Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Umeda et al. (JP 58-218755).

Referring to page 3 of the Office Action, Claims 8-11 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eda et al. in view of U.S. Patent No. 6,475,679 ("Tsutiya et al.").

Without acquiescence in the merits of the rejection, Claims 1, 2, 7-11 and 13 have been cancelled herein. The present rejections are therefore moot.

In view of the above, Applicants respectfully request withdrawal of the Section 102(b) rejection of Claims 1, 2 and 7 based on Eda, the Section 102(b) rejection of Claims 1 and 2 based on Umeda and the Section 103 rejection of Claims 8-11 and 13 over Eda in view of Tsutiya.

(d) In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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